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NOTES AND COMMENTS.

CONSTITUTIONAL SUFFRAGE FOR WOMEN.

THE Constitution of the United States permits the suffrage of women. The agitation of the suffrage question for the last forty years and the appeals to the Congress of the United States for aid have been largely idle and valueless. The women of the United States are, by the Federal Constitution itself, already admitted to the polls upon the same footing as men. There is in this great document, the charter of the liberties of woman no less than the liberties of man, no bar to universal suffrage. Under it legally constituted women—as to age, freedom from criminalness, etc.—may vote for all officers from president to township supervisor.

In the election of 1896 the women of the State of Colorado will be permitted by that State to vote for the presidential electors from that State. In this fact there is promise of a singular contingency, with possibly grave results. Let us not take for our authority in this matter some learned judge's opinion, some essay, some suffragist's pronouncement. Let us take the rather the Constitution's words themselves. It is provided in Article XIV., declared in force in July, 1868:

"Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Now we have here a very plain and explicit statement of who are citizens of the United States. They are "all persons born or naturalized in the United States, and subject to the jurisdiction thereof."

In the next amendment to the Constitution, the XVth, declared in force in March, 1870, it is set forth, for the benefit of the suffrageless negro, that:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

Incongruous as it may seem, this very provision allows the negro women of the United States the right of suffrage. It specifically permits those citizens who had been in a previous condition of servitude to vote, and the previous article as specifically sets forth what a citizen is—a person born or naturalized in the United States and subject to the jurisdiction thereof. The only question which can arise is as to the meaning of the word "person." In such a case it is necessary to accept the definition of

the lexicographers who unite in saying that a person is a human being, a man, a woman, or a child. By no twisting construction could a "person" be designated a male alone. It has been proven essential in the administration of the affairs of men to set an age for adultism, to coin a word, adultism for man and woman. Of course it would be a silliness for anyone to contend that, because a child is a person, therefore, a child is entitled to the suffrage as well as a woman. Adultism is, of course, understood.

Manhood suffrage had been the only suffrage, in extended form, through the years of the republic before these amendments were considered. It is the only recognized suffrage now in most States for all offices, save those of local importance which have been opened to the suffrage of women; and it is but natural to suppose that the race of American men who had done all the voting of importance for the century or more should look upon man as the only "person" permitted by the Constitution the right of suffrage. Indeed, in the second section of the XIVth amendment this is the more clearly emphasized by the statement that:

"When the right to vote at any election for the choice of the electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

It will be noted that in this, a provision for the betterment of the negro, and the only place in the Constitution of the United States where sex is specified, there is not the slightest suggestion of a provision that women may not also be voters, no utterance that they are not as truly "persons" and "citizens" as the negroes whose rights were being fortified. It was found essential after the war of the rebellion to frame into the Constitution a provision which should secure honesty of representation, universality of suffrage, among the male negroes. But it was by no means a provision defining the voting prerogative. It attempted no sex restraints. It bore no relation to the question of universal suffrage. It was only to be taken as an expression relative to the incoming voting element. Of course, had the woman suffragists, before the adoption of these amendments, pressed their claims at the bar of the State instead of the nation, and had secured a State right to the ballot, it would have been unnecessary to incorporate this word "male" in this section of the XIVth amendment. It is used to distinguish an immediate voting element.

Let us suppose that the coming Presidential election shall prove to be very close, as the word goes. When the Senate and House of Representatives in joint session assembled are ready to canvass and record the national suffrage, what will be done with the vote of Colorado, largely cast by women? Will the vote of Colorado, in spite of the fact that it was legally cast under the laws of that State, be thrown out as fraudulent, or, at least, tainted? Immense significance might attach to this ballot, for, in a closely contested election the next President of the United States would owe his elevation to the votes of these Colorado women; or, if Congress should reject their ballots, to a general election at the hands of the House of Representatives.

But would Congress have any such right—to reject their ballots? Congress could do nothing to subvert the Constitution, which has placed no obstacle in the way of suffrage by women. It is not the province of Congress to elucidate, amplify or restrict the Constitution. Neither can it read into that document something of which it is innocent. Still further, it could not declare these ballots illegitimate because they will be cast under specific sanction of the State of Colorado. Congress is a law-making, not a law-breaking, body. It has its great and important functions, but the Federal Constitution stands high above it, panoplied in the strength and majesty of its own power. No doubt there would be a prodigious effort to settle then and there the question as to whether these Colorado women should be allowed to decide who should be President of the United States to succeed Mr. Cleveland, but, as this question is a constitutional one, who but the Supreme Court could pass upon it? In the light of the fact that the Federal Constitution places no obstacle in the way of the voting of these Colorado women, it is difficult to see how the Constitution could be interpreted by the Supreme Court, when the matter came, as it doubtless would, to that body, adversely to the right of suffrage for these women.

In *resumé* the following may be considered:

1. The Constitution of the United States permits suffrage by women.
2. Congress must receive presidential ballots cast by women in States granting them the right of franchise; or else, on rejection of such ballots, the Supreme Court must pass on the legality of these votes.
3. There being no specific provision in the Federal Constitution either for or against the suffrage of women, the only bar to their voting for all officers of the State and nation is found in the constitutions of individual States, which constitutions may at any time be so modified as to permit universal suffrage if the States themselves so elect.
4. The only way by which the franchise may be universally and irrevocably denied to women in the United States is by an amendment to the Federal Constitution, specifically providing that only male citizens of the United States shall be allowed the right of suffrage.

If, as now seems assured, the women of at least one State, Colorado, will vote at the national election of 1896, for President and for members of Congress from that State, there promises to be presented to the people of the United States a question of deeper interest and immenser importance than any other peace-time question since the adoption of the Federal Constitution.

W. S. HARWOOD.

GREAT BRITAIN'S SERVICE TO CIVILIZATION.

SUCH a clear, concise, yet comprehensive statement of the great work that is being done for the world by England as is presented in the very able article by Mr. David A. Wells in the April number of the REVIEW, has never before appeared for the benefit of American readers. I have visited many British colonies in various parts of the world, and I have had occasion to compare them with nearby Latin-American republics, the successors of 300 years of Spanish rule, and I can endorse all that Mr. Wells has to say. In 1892, while in command of the U. S. S. "Kearsarge," I ascended the identical river, the Orinoco, which Mr. Wells would see thrown open to navigation—going as far as Ciudad-Bolivar (formerly Angostura), 240 miles above its mouth—and